

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION**

HOWARD L. KASTEL, Trustee of the	)	
Howard L. Kastel Trust Dated Nov. 13,	)	
1985, and JOAN H. KASTEL.	)	
	)	Honorable Judge N.C. Tilley, Jr.
Plaintiffs,	)	
	)	Magistrate Judge Wallace W.
v.	)	Dixon
	)	
NUVEEN INVESTMENTS INC., <i>et al.</i> ,	)	No. 1:09-CV-646
	)	
Defendants.	)	
	)	

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**DEFENDANTS NUVEEN'S AND BREMNER'S  
MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Nuveen Investments, Inc. and Nuveen Investments, LLC (collectively “Nuveen”); and Robert P. Bremner (“Bremner”) hereby submit their Motion to Dismiss with prejudice Plaintiffs’ Second Amended Complaint (“Complaint”) against Nuveen and Bremner for failure to state a claim upon which relief can be granted.

Nuveen’s and Bremner’s Motion to Dismiss should be granted because: (1) the Complaint fails to plead required elements of Counts II – IX against Nuveen and Bremner with the requisite specificity; and (2) the Complaint prays for relief to which Plaintiffs are not entitled as a matter of law. In support of this Motion, Nuveen and Bremner submit a Memorandum in Support of Nuveen’s and Bremner’s Motion to Dismiss Plaintiffs’ Second Amended Complaint, which is attached and incorporated herein.

WHEREFORE, for these reasons and for the reasons set forth in Nuveen's and Bremner's accompanying Memorandum, Nuveen and Bremner respectfully request that their Motion to Dismiss Plaintiffs' Second Amended Complaint be granted.

Dated: December 27, 2010

Respectfully submitted,

NUVEEN INVESTMENTS, INC.  
NUVEEN INVESTMENTS, LLC.  
ROBERT P. BREMNER

/s/ Jack M. Knight Jr.  
One of Their Attorneys  
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**CERTIFICATE OF SERVICE**

This is to certify that on December 27, 2010, I electronically filed the foregoing **DEFENDANTS NUVEEN'S AND BREMNER'S MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT** with the Clerk of the Court using the CM/ECF System with notice of case activity to be generated and sent electronically by the Clerk of Court to those parties registered to receive such service.

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This 27th day of December, 2010.

/s/ Jack M. Knight Jr.